

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

Santos Maria Avelar and Celita Evelia Avelar

a/k/a Santos M Avelar, Celta E Avelar

Case No. 11-80359

S.S. Nos.: xxx-xx-9088 and xxx-xx-1249

Mailing Address: 1608 Cherokee Trail, Sanford, NC 27332-

Debtors.

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on February 28, 2011.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: March 16, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s John T. Orcutt

John T. Orcutt
N.C. State Bar No. 10212
Counsel for the Debtors
6616-203 Six Forks Rd.
Raleigh, N.C. 27615
Tel. No. (919) 847-9750

circular wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)

Date: **2/25/11**

LastName-SS#: **Avelar-9088**

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Retain	Creditor Name	Sch D #	Description of Collateral
	Lee County Tax Collector	3	House & Lot
	ADT		Contract

SURRENDER COLLATERAL

Creditor Name	Description of Collateral
None	

ARREARAGE CLAIMS

Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)
	Lee County Tax Collector	3		**
	ADT			**
				**
				**
				**
	Beneficial	2	\$2,879	**
				**

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral
None	

LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Beneficial	2	\$1,439	N/A	n/a	\$1,439.00	House & Lot
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		

STD - SECURED DEBTS @ FMV

Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Bank of America	1	\$10,778	5.00	\$108	\$225.45	2007 Honda Fit
				5.00			
				5.00			
				5.00			

STD - SECURED DEBTS @ 100%

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Santander Consumer USA	4	\$8,591	5.00	\$60	\$179.70	2002 Chevrolet Avalanche
				5.00			
				5.00			
				5.00			

ATTORNEY FEE (Unpaid part)		Amount
Law Offices of John T. Orcutt, P.C.		\$2,800
SECURED TAXES		Secured Amt
IRS Tax Liens		
Real Property Taxes on Retained Realty		
UNSECURED PRIORITY DEBTS		Amount
IRS Taxes		
State Taxes		
Personal Property Taxes		
Alimony or Child Support Arrearage		
CO-SIGN PROTECT (Pay 100%)		Int. %
All Co-Sign Protect Debts (See*)		Payoff Amt
GENERAL NON-PRIORITY UNSECURED		Amount**
DMI= None(\$0)		None(\$0)

PROPOSED CHAPTER 13 PLAN PAYMENT

\$ **\$2,013** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **3.00** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

* Co-sign protect on all debts so designated on the filed schedules.

** = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO

Other Miscellaneous Provisions

Plan to allow for 3 "waivers".

Please pay Equity above Exemptions in the amount of \$1,998 towards unsecured priority including attorney fees.

CERTIFICATE OF SERVICE

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

All the creditors set forth on the mailing matrix filing in this case.

/s Kaelyn McCollum

Kaelyn McCollum

North Carolina Department of Revenue
c/o NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629

US Attorney's Office (ED)**
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461

Circuit City
c/o Chase
Post Office Box 15298
Wilmington, DE 19850-5298

Employment Security Commission
Attn: Benefit Payment Control
Post Office Box 26504
Raleigh, NC 27611-6504

ADT Security Services
2515 Downing Road
Fayetteville, NC 28312-8225

CIT/Fingerhut
6250 Ridgewood Road
Saint Cloud, MN 56303

Credit Bureau
Post Office Box 26140
Greensboro, NC 27402

Bank of America
Attn: Managing Agent
Post Office Box 45224
Jacksonville, FL 32232-5224

Credit Bureau of Greensboro
Post Office Box 26140
Greensboro, NC 27402-0040

NC Child Support
Centralized Collections
Post Office Box 900006
Raleigh, NC 27675-9006

Beneficial
Post Office Box 3425
Buffalo, NY 14240-9733

Freccia, William F Endodontic
c/o Credit Financial Services, Inc.
Post Office Box 451
Durham, NC 27702-0451

Equifax Information Systems LLC
P.O. Box 740241
Atlanta, GA 30374-0241

Beneficial
Post Office Box 3425
Attn: Managing Agent
Buffalo, NY 14240-9733

GE Money Bank
Bankruptcy Dept.
Post Office Box 103104
Roswell, GA 30076-3104

Experian
P.O. Box 2002
Allen, TX 75013-2002

Central Carolina Hospital
1135 Carthage Street
Sanford, NC 27330

HSBC Auto Finance
Post Office Box 17903
San Diego, CA 92177-7903

Trans Union Corporation
P.O. Box 2000
Crum Lynne, PA 19022-2000

CESI
Post Office Box 2579
Columbia, MD 21045-2579

HSBC Card Services
Post Office Box 81622
Salinas, CA 93912-1622

ChexSystems
Attn: Consumer Relations
7805 Hudson Road, Ste. 100
Woodbury, MN 55125

Chevron
Post Office Box 981430
El Paso, TX 79998-1430

HSBC/SCUSA
P.O. Box 961245
Fort Worth, TX 76161

Internal Revenue Service (ED)**
Post Office Box 7346
Philadelphia, PA 19101-7346

Child of Santos Avelar
c/o Angelica Alvarado
4314 Wills Way
Charlotte, NC 28227

Internal Revenue Service
Post Office Box 7346
Philadelphia, PA 19101-7346

Lee County Tax Collector
Post Office Box 1968
Attn: Managing Agent
Sanford, NC 27331-1968

Santander Consumer USA
Bankruptcy Dept/Attn: Managing Agt
Post Office Box 560284
Dallas, TX 75356-0284

Lee County Tax Collector
106 Hillcrest Drive
P.O. Box 1968
Sanford, NC 27331-1968

Sears
Post Office Box 6282
Sioux Falls, SD 57117-6282

Lowe's
Post Office Box 981064
El Paso, TX 79998-1064

Spectrum Laboratory Network
Post Office Box 35907
Greensboro, NC 27425-5907

Lowe's
c/o GE Money Bank - BK Department
Post Office Box 103104
Roswell, GA 30076

Sprint
Post Office Box 7086
London, KY 40742-7086

NC Lee Co CSE Agency
Post Office Box 1066
Sanford, NC 27330

The Home Depot
Post Office Box 653000
Dallas, TX 75265-3000

North Carolina Child Support
P.O. Box 900006
Raleigh, NC 27675

The Law Offices of John T. Orcutt
6616-203 Six Forks Road
Raleigh, NC 27615

North Carolina Department of Revenue
c/o Reginald S. Hinton
Post Office Box 25000
Raleigh, NC 27640-5000

US Attorney's Office
Middle District
Post Office Box 1858
Greensboro, NC 27502-1858

North Carolina Dept of Revenue
Post Office Box 1168
Raleigh, NC 27602-1168

Wal-Mart
Post Office Box 981470
El Paso, TX 79998-1470

North Carolina Employment Security
Commission
Post Office Box 26504
Raleigh, NC 27611-6504